

BOARD OF PERSONNEL APPEALS
MINUTES – MARCH 17, 2011 MEETING

PRESENT:

David Gallik, Acting Presiding Officer
Steve Johnson, Board Member
Quint Nyman, Board Member

Amy Verlanic- Alternate Board Member
Jerry Rukavina, Alternate Board Member

STAFF ATTENDING:

Marieke Beck, Board Attorney
Tonya McCormack

Ron Stormer
John Andrew

OTHERS IN ATTENDANCE:

Karl Englund
Chris Miller
Maureen Connor

BOARD BUSINESS

APPROVAL OF MINUTES:

Minutes for September 24, 2010 meeting were not approved. Members in attendance today were not members in attendance for December's meeting.

NEXT MEETING DATE:

The next meeting is scheduled for April 21, 2011, pending an appeal.

PUBLIC COMMENT (HOUSE BILL 94):

No comments were made.

ATTORNEY COMMENTS – BOARD ATTORNEY MARIEKE BECK:

Board Attorney Marieke Beck is still working on the rules for the decertification administrative rule and the Collierization rule. If the new Board Members have any comments regarding the Administrative Rules to please let her know. She would like to push the rules package through at the next scheduled meeting.

ORAL ARGUMENT – UNIT DETERMINATION

IUOE Local 400 v. Granite County, Solid Waste Department

David Gallik was the Presiding Officer in this matter. Karl Englund appeared before the Board to represent IOUE Local 400; Chris Miller appeared before the Board to represent the Granite County.

The matter before the Board was to determine if the Hearing Officer erred in his determination that the Granite County Solid Waste District Manager/Supervisor position is a "supervisory employee and thus, excluded from the protections of Montana's Collective Bargaining Act.

Argument was heard, questions were asked by Board Members. Member Johnson moved to reject the Hearings Officer decision on the grounds of that the Findings of Fact and Conclusion of Law are not supported by competent substantial credible evidence, Johnson noted error with Findings 12, 13, and 17. Member Nyman seconded. Motion passed 5-0.

Member Johnson moved to adjourn the meeting and Board Member Nyman seconded the motion. Motion passed 5-0.
